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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,357	12/21/2001	Robert T. Mason JR.	ABME-0739/E20010060	6443

23377 7590 08/09/2004

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EXAMINER

FAN, CHIEH M

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,357

Applicant(s)

MASON ET AL.

Examiner

Chieh M Fan

Art Unit

2634

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 1-20 are objected to because of the following reasons:

Regarding claim 1, as shown in the upper portion of Fig. 2 in the present application (7-channel case), byte 1 is transmitted 4 times, but byte 2 is only transmitted 3 times. Similarly, in the 5-channel case, bytes 1-4 are transmitted 3 times and the rest of bytes are transmitted only 2 times. The claimed limitation "each byte of the data message being communicated a predetermined number of times" in lines 2-3 thus is misdescriptive of the invention. Therefore, the examiner suggests changing "a predetermined of times" in line 3 to --- at least a predetermined number of times". Moreover, "the predetermined sequence of data channels" in line 7 should be changed to --- the sequence of data channels ---, and "the predetermined of times" in line 9-10 should be changed to --- the at least predetermined number of times".

Regarding claim 11, "at a receiver" in line 2 should be changed to --- at the receiver --- since the limitation "a receiver" has been recited in the parent claim(s).

Regarding claim 13, "the data message" in line 10 should be changed to --- a data message ---. Moreover, based on the same reason applied to claim 1 above, it is suggested changing "a predetermined number of times" in lines 17-18 to --- a predetermined at least number of times ---.

Regarding claim 18, "a receiver" in line 3 should be changed to -- the receiver --.

Regarding claim 19, "a receiver" in line 1 should be changed to -- the receiver --.
Appropriate correction is required.

Allowable Subject Matter

2. Claims 1-20 would be allowed if rewritten to overcome the claim objections.

Claims 1-20 are allowable over the prior art of record because the prior art of record does not teach or suggest communicating groups of data bytes that each comprises a subset of the data message over the predetermined sequence of data channels where the number of bytes in each group is determined based on a number of channels and a predetermined at least number of times each byte of the data message is to be transmitted.

Conclusion

3. This application is in condition for allowance except for the following formal matters:

Claim objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (703) 305-0198. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (703) 305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Chieh M Fan
Primary Examiner
Art Unit 2634

cmf
July 30, 2004